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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

Patricia Greenberg,

Plaintiff,

v.

Expedia, Inc., et al.,

Defendants.

Civil Case No. 3:12-cv-04975-MEJ

CLASS ACTION

**STIPULATION AND [PROPOSED]  
ORDER**

WHEREAS, Plaintiff filed the Complaint in this litigation on September 24, 2012;  
WHEREAS, all of the Defendants have agreed to waive service of the complaint;  
WHEREAS, a number of substantially similar complaints have been filed nationwide;  
WHEREAS, a Motion for Consolidation and Transfer under 28 U.S.C. § 1407 was filed  
before the Judicial Panel on Multi-District Litigation (“JPML”) to coordinate and/or consolidate  
all of the actions in one court;

WHEREAS, the JPML has scheduled the MDL Motion for a hearing on November 29,  
2012, and the parties expect that the JPML will issue a decision on the motion within a few

1 weeks after the hearing;<sup>1</sup>

2 WHEREAS, Plaintiff and Defendants Expedia, Inc., Hotels.com LP, Travelocity.com LP,  
3 Sabre Holdings Corporation, Priceline.com Incorporated, Booking.com B.V., Booking.com  
4 (USA), Inc., Orbitz Worldwide, Inc., Hilton Worldwide, Inc., Starwood Hotels & Resorts  
5 Worldwide, Inc., Trump International Hotels Management, LLC, Kimpton Hotel & Restaurant  
6 Group, LLC, InterContinental Hotels Group Resources, Inc., Wyndham Worldwide Corporation,  
7 Wyndham Hotel Group, LLC and Travelodge Hotels, Inc. (collectively “Defendants”) expect  
8 that all of the actions will be coordinated and/or consolidated before one court; and

9 WHEREAS, Plaintiff and Defendants wish to preserve the parties’ and the court’s  
10 resources and efficiently manage the litigation so as not to cause prejudice;

11 NOW THEREFORE, the parties agree as follows:

12 1. Defendants will not be required to answer or otherwise plead in response to the  
13 Complaint during the pendency of the Motion for Consolidation and Transfer under 28 U.S.C. §  
14 1407. If this Court is the transferee court, Defendants’ time to answer or otherwise plead will be  
15 extended until 60 days after a consolidated amended complaint is filed, and Plaintiffs will file  
16 their opposition to a motion to dismiss, if filed, within 60 days thereafter. In the event that the  
17 Motion for Consolidation and Transfer under 28 U.S.C. § 1407 is denied, the parties will confer  
18 within seven (7) days of the JPML’s order regarding the due date for responsive pleadings in this  
19 action. No discovery shall be served in the above-captioned matter while this stipulation is in  
20 effect;

21 2. In the event that Defendants voluntarily file or are ordered to file a responsive pleading in  
22 any other related action prior to the JPML’s decision, Defendants agree that this stipulation will  
23 become void and in that event, all of the parties agree to negotiate in good faith regarding a  
24 responsive pleading date.

25 3. If this Court is the transferee court, Defendants agree that they will engage in a

26 <sup>1</sup> John G. Heyburn II, *A View from the Panel: Part of the Solution*, 82 Tul. L. Rev. 2225, 2242  
27 n.88 (2007-08) (then-Chair of the JPML: “[u]sually within two weeks of oral argument, the  
Chair has finalized and approved each written opinion pertaining to that session”).

conference pursuant to Fed. R. Civ. P. 26(f) with Plaintiffs within 14 days of appointment of lead counsel for the Plaintiffs. If the Motion for Consolidation and Transfer under 28 U.S.C. § 1407 is denied, Defendants agree that they will engage in a conference pursuant to Fed. R. Civ. P. 26(f) with Plaintiffs within 14 days of the denial of the motion.

**ATTESTATION**

I hereby attest that I have on file all holographic signatures corresponding to any signatures indicated by a conformed signature (/s/) within this e-filed document.

/s/Laurence D. King  
Laurence D. King

Dated: October 23, 2012

FOR PLAINTIFF:

FOR DEFENDANTS:

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**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: October 24, 2012



THE HONORABLE MARIA-ELENA JAMES  
Chief United States Magistrate Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on October 23, 2012, I electronically filed the foregoing document using the CM/ECF system which will send notification of such filing to the e-mail addresses registered in the CM/ECF system, as denoted on the Electronic Mail Notice List, and I hereby certify that I have caused to be mailed a paper copy of the foregoing document via the United States Postal Service to the non-CM/ECF participants indicated on the Manual Notice List generated by the CM/ECF system.

/s/Laurence D. King  
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